

**REMARKS**

This response is being filed in reply to the Office Action mailed April 13, 2007. In that Office Action, claims 26-41 were rejected on prior art grounds. Claims 29 and 30 are being amended. Accordingly, claims 26-41 remain pending in the application.

**Claim Amendments**

Claims 29 and 30 are being amended merely to correct some of the terminology used therein and so that the terms have clear antecedent support from their base claim.

**102(b) Rejections**

Claims 26, 28-31, 33-35, and 37 stand rejected under 35 U.S.C. §102(b) as being unpatentable over Ito (U.S. Patent Application Number 2002/0181333). Applicants respectfully traverse the rejection of claims 26, 28-31, 33-35 and 37 because Applicants' invention of independent claim 26, from which claims 28-31, 33-35, and 37 each ultimately depend, are patentably distinguishable from the cited reference.

Ito is directed to providing a portable terminal apparatus that corrects time and displays the corrected time. Ito teaches receiving area location information on a portable terminal apparatus when the apparatus has moved to another area, automatically calculating the time corresponding to the area of the portable terminal apparatus by obtaining time difference information on a received area location, and displaying a calculated time on a display section. Ito discloses subtracting the time difference of the area location, after movement, from the time difference of the reference area location to obtain the time difference of the area location after movement from the reference area location. The reference time is then added to the obtained relative time difference to calculate the time of the area location after movement.

Applicant's claim 26 recites a method for determining a time zone based date and time of a vehicle from a time zone reference signal. The method includes receiving a Code Division Multiple Access (CDMA) signal at a telematics device, wherein the CDMA signal includes a CDMA time correction, determining a local Coordinated

Universal Time (UTC) correction from the CDMA signal, storing the local UTC correction, and calculating local time from the stored local UTC correction and a UTC time.

First, and perhaps foremost, Ito fails to disclose each and every element of Applicant's method. Specifically, Ito's step of determining a correction by subtracting area location time differences is not the same as Applicants' step of determining a local Coordinated Universal Time (UTC) correction from the CDMA signal. Ito determines a local area time correction by calculating the time of the area location after movement by adding the reference time to an obtained relative time difference, while Applicant calculates the difference between UTC time and CDMA time.

For instance, in paragraph 187, Ito discloses subtracting the time difference of the area location, after movement, from the time difference of the reference area location to obtain the time difference of the area location after movement from the reference area location. Ito adds the reference time to the obtained relative time difference to calculate the time of the area location after movement. More simply, Ito discloses moving the portable terminal apparatus from a reference location to a new location and subtracting the time difference between the two locations. The difference is then added to the reference time resulting in the present time in the new location. Conversely, Applicants disclose receiving a CDMA signal containing UTC time, CDMA local time and a CDMA local time correction. Applicants further disclose determining a local UTC correction by taking the difference between the UTC time and the CDMA time or by setting the local UTC correction equal to the CDMA local time correction. Ito's step of calculating time in an area location using differences between areas fails to anticipate Applicants' step of calculating a local time using the UTC time and the UTC correction as references.

Additionally, the Office Action notes that the term CDMA does not carry patentable weight as it defines the nature of a signal, and signals are not patentable subject matter. Applicant respectfully disagrees. As stated in MPEP §2106, "when evaluating the scope of a claim, every limitation in the claim must be considered. USPTO personnel may not dissect a claimed invention into discrete elements and then evaluate

the elements in isolation. Instead, the claim as a whole must be considered.” The claim 26 step of receiving a CDMA signal operates as a positive limitation of the claim, such that other processes that only use signals that are not CDMA or equivalent signals would not be covered by this claim.

Accordingly, Applicant submits that claim 26 patentably defines over Ito, whether considered singly or in combination with other prior art of record. Claims 28-31, 33-35, and 37 each ultimately depend from claim 26 and should be allowed therewith. Therefore, reconsideration and withdrawal of the §102(b) rejection of claims 26, 28-31, 33-35, and 37 is respectfully requested.

### **103(a) Rejections**

Applicant’s claims 27 and 38-41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Ito in view of Brunts. Applicant respectfully traverses the rejection because Applicant’s inventions of claims 27 and 38-41 are patentably distinguishable and not obvious in view of the cited references.

Brunts is directed to updating current time readings to account for changes in time between different time zones. Brunts teaches a method for determining the time of day from GPS signals as referenced to a reference time such as GMT. Brunts discloses a method for obtaining recent vehicle location and heading, checking to see if a GPS solution is available, computing a reference or GMT time if GPS data is available, comparing the computed GMT time and date with a database, and updating an internal clock.

Applicants’ independent claim 38 recites receiving a Universal Coordinated Time (UTC) time from a Global Positioning System (GPS) signal and a Code Division Multiple Access (CDMA) time correction from a wireless CDMA carrier system, determining a local UTC correction from the CDMA time correction, storing the local UTC correction, and calculating local time by applying the stored local UTC correction to the UTC time.

Applicants' claim 27 recites receiving UTC time at the telematics device from a Global Positioning System (GPS) signal and receiving the CDMA time correction at the telematics device from a wireless CDMA carrier system.

Brunts fails to correct the deficiencies of Ito since it does not teach or suggest Applicants claimed steps of calculating local time using UTC time and a UTC correction determined from a CDMA signal. Furthermore, the combination of Ito and Brunts does not teach or suggest all of the elements of the Applicant's claims 27 and 38. The Office Action states that there is a motivation or suggestion to provide a backup for Ito's invention in the event that a base station is unavailable by combining Ito's method with Brunts' capacity to receive a UTC time from a GPS satellite. Even if true, Ito teaches using a relative time difference between areas before and after movement and not use of a local UTC correction in conjunction with the UTC time. Thus, the combination does not teach or suggest the basic approach recited in independent claims 26 and 38.

Accordingly, Applicant submits that dependent claim 27 and independent claim 38 patentably define over Ito and Brunts, whether considered singly or in combination with other prior art of record. Claims 39-41 each ultimately depend from claim 38, and should be allowed therewith. Therefore, reconsideration and withdrawal of the §103(a) rejection of claims 27 and 38-41 is respectfully requested.

Applicant's claim 32 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Ito in view of Schick. Applicant respectfully traverses the rejection because Applicant's invention of claim 32 is patentably distinguishable and not obvious in view of the cited references.

Schick is directed to the management of a large fleet of remote assets, particularly when the fleet of assets comprises a fleet of vehicles, such as a fleet of trucks, railway transportation equipment, or other land-based vehicles. Schick teaches using data management powers of modern computer and information networks by using such tools to collect, store, analyze, distribute and present information in a format and at a time where it can be used most effectively by people responsible for each vehicle.

Applicant's dependent claim 32 further recites the step of scheduling mobile vehicle communication system activities between a call center and the telematics device based on the calculated local time. Schick fails to correct the deficiencies of Ito discussed above. Thus, the combination of Schick and Ito does not teach or suggest all of the elements of Applicants' independent claim 26 as discussed above. Accordingly, Applicant submits that dependent claim 32 patentably defines over Ito and Schick, whether considered singly or in combination with other prior art of record. Therefore, reconsideration and withdrawal of the §103(a) rejection of claim 32 is respectfully requested.

Applicant's claim 36 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Ito in view of DiLodovico. Applicant respectfully traverses the rejection because Applicant's invention of claim 36 is patentably distinguishable and not obvious in view of the cited references.

DiLodovico is directed to collision evaluation systems and determining what weather conditions existed, what actual traffic signals existed, and what other related conditions or signals existed at a particular time during a collision. DiLodovico teaches real-time synchronization with various vehicle-related systems and determining and comparing when collision event elements occur in real time.

As with the other references, DiLodovico fails to correct the deficiencies of Ito as applied to Applicants' claims. Therefore, the combination of DiLodovico and Ito fails to teach or suggest the features of Applicants' independent claim 26. Accordingly, Applicant submits that dependent claim 36 patentably defines over Ito and DiLodovico, whether considered singly or in combination with other prior art of record. Therefore, reconsideration and withdrawal of the §103(a) rejection of claim 36 is respectfully requested.

### **Conclusion**

In view of the foregoing, Applicants respectfully submit that all claims are allowable over the prior art. Reconsideration is therefore requested. The Examiner is

invited to telephone the undersigned if doing so would advance prosecution of this case.

The Commissioner is hereby authorized to charge Deposit Account No. 07-0960 for any required fees, or to credit that same deposit account with any overpayment associated with this communication.

Respectfully submitted,

REISING, ETHINGTON, BARNES, KISSELLE, P.C.

/James D. Stevens/

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JDS/ECC

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